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PATENT

ATTORNEY DOCKET NO.: 051481-5077

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Frederic GAGNON

Application No.: 09/986,758

Filed: November 9, 2001

For: DIFFUSER IN AN AIR MASS
FLOW CONTROLLER

Confirmation No. 5999

Group Art Unit: 3753

Examiner: J. Fox

Mail Stop AF

Mail Stop AF

Commissioner for Patents
Arlington, VA 22202

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 17, 2003, the period for reply to which has been extended to April 19, 2004 (April 17, 2004, being a Saturday), by an additional one-month extension of time filed concurrently herewith, finally rejecting claims 1 through 11.

1. Extension of Time

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

- ☒ If an additional extension of time is required, please consider this a Petition therefor.
- ☒ An extension for two months has already been secured and the fee paid therefor \$420.00 is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: **\$ 530.00**.

04/20/2004 TLJ11 0000091 500310 09986758
01 FC:1253 530.00 DA
02 FC:1401 330.00 DA

2. **Notice of Appeal Fee – 37 C.F.R. § 1.17(b)**

- ☐ The fee in the amount of \$330.00 to cover the appeal fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge the Notice of Appeal fee to Deposit Account No. 50-0310. The amount is \$330.00.

3. **Fee Total(s):**

- ☒ The Notice of Appeal Fee Under 37 C.F.R. § 1.17(b) of \$530.00 with the 3rd month extension of time fee of \$530.00, totaling \$860.00, is being charged to Deposit Account No. 50-0310.


4. **Constructive Petition**

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated April 19, 2004

By: 
Peter J. Sistare
Reg. No. 48,183

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